

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

STEVEN CYCAN AND BARBARA CYCAN,

Plaintiffs,

- against -

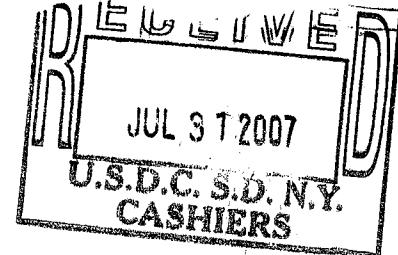
THE CITY OF NEW YORK, AND
AMEC CONSTRUCTION MANAGEMENT,
INC., *et al.*,

Defendants.

21 MC 100 (AKH)

DOCKET NO.
Judge Hellerstein
'07 CIV 6853CHECK-OFF ("SHORT FORM")
COMPLAINT
RELATED TO THE
MASTER COMPLAINT

PLAINTIFF DEMANDS A TRIAL BY JURY



By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, ("the Order"), Master Complaints for all Plaintiffs were filed on August 18, 2006.

NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaints are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiff, by his attorneys SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, P.C. complaining of Defendants, respectfully alleges:

I. PARTIES

PLAINTIFF(S)

1. Plaintiff STEVEN CYCAN (hereinafter the "Injured Plaintiff"), is an individual and a citizen of New York residing at 49 Hearth Lane, Westbury, New York 11590.

2. Alternatively, is the _____ of Decedent _____, and brings this claim in his (her) capacity as _____ of the Estate of _____.

3. Plaintiff, BARBARA CYCAN (hereinafter the "Derivative Plaintiff"), is an individual and a citizen of New York residing at 49 Hearth Lane, Westbury, New York 11590, and has the following relationship to the Injured Plaintiff:

Plaintiff BARBARA CYCAN at all relevant times herein, is and has been lawfully married to Plaintiff STEVEN CYCAN, and brings this derivative action for her loss due to the injuries sustained by her husband, Plaintiff STEVEN CYCAN.

Parent Child Other: _____

4. In the period from September 12, 2001 through the end of September 2001, and thereafter, including October, November, and December 2001, and thereafter, the injured Plaintiff worked for the New York City Fire Department as a Firefighter:

Please be as specific as possible when filling in the following dates and locations

The World Trade Center Site

Location(s) (i.e., building, quadrant, etc.) throughout the four quadrants.

From September 12, 2001 through the end of September 2001, for a total of 15 additional shifts, each shift lasting anywhere from 10 to 12 hours, as well as 10 shifts in the month of October 2001, each shift lasting 10 to 12 hours, and thereafter, including a thirty day posting in February 2002 and a thirty day posting in March 2002.

Approximately 8-12 hours per day; for

Approximately 65-70 shifts/days in total..

The New York City Medical Examiner's Office

From on or about _____ until _____;

Approximately _____ hours per day; for

Approximately _____ days total.

The Fresh Kills Landfill

From on or about _____ until _____;

Approximately _____ hours per day; for

Approximately _____ days total.

The Barge

From on or about _____ until _____;

Approximately _____ hours per day; for

Approximately _____ days total.

Other*: For injured plaintiffs who worked at Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:

From on or about _____ until _____;

Approximately _____ hours per day; for

Approximately _____ days total;

Name and Address of Non-WTC Site

Building/Worksite: _____

*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;

Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;

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Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;

Other: _____

6. Injured Plaintiff

Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.

Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.

Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.

Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

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B. DEFENDANT(S)

7. The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

X THE CITY OF NEW YORK

A Notice of Claim was timely filed and served on _____ and
 pursuant to General Municipal Law §50-h
the CITY held a hearing on _____ (OR)
 The City has yet to hold a hearing as required by General Municipal Law §50-h
 More than thirty days have passed and the City has not adjusted the claim
(OR)
 An Order to Show Cause application to
 deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination
 is pending
 Granting petition was made on _____
 Denying petition was made on _____

PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]
 A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on
 More than sixty days have elapsed since the Notice of Claim was filed, (and)
 the PORT AUTHORITY has adjusted this claim
 the PORT AUTHORITY has not adjusted this claim.

1 WORLD TRADE CENTER, LLC
 1 WTC HOLDINGS, LLC
 2 WORLD TRADE CENTER, LLC
 2 WTC HOLDINGS, LLC
 4 WORLD TRADE CENTER, LLC
 4 WTC HOLDINGS, LLC
 5 WORLD TRADE CENTER, LLC

5 WTC HOLDINGS, LLC
X AMEC CONSTRUCTION MANAGEMENT, INC.
 7 WORLD TRADE COMPANY, L.P.
 A RUSSO WRECKING
 ABM INDUSTRIES, INC.
 ABM JANITORIAL NORTHEAST, INC.
X AMEC EARTH & ENVIRONMENTAL, INC.
 STEVEN CORTESE SPECIALIZED HAULING, LLC, INC.
 ATLANTIC HEYDT CORP
 BECHTEL ASSOCIATES PROFESSIONAL CORPORATION
 BECHTEL CONSTRUCTION, INC.
 BECHTEL CORPORATION
 BECHTEL ENVIRONMENTAL, INC.
 BERKEL & COMPANY, CONTRACTORS, INC.
 BIG APPLE WRECKING & CONSTRUCTION CORP
X BOVIS LEND LEASE, INC.
X BOVIS LEND LEASE LMB, INC.
 BREEZE CARTING CORP
 BREEZE NATIONAL, INC.
 BRER-FOUR TRANSPORTATION CORP.
 BURO HAPPOLD CONSULTING ENGINEERS, P.C.
 C.B. CONTRACTING CORP
 CANRON CONSTRUCTION CORP
 CANTOR SEINUK GROUP
 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
 CORD CONTRACTING CO., INC
 CRAIG TEST BORING COMPANY INC.
 DAKOTA DEMO-TECH
 DIAMOND POINT EXCAVATING CORP
 DIEGO CONSTRUCTION, INC.
 DIVERSIFIED CARTING, INC.
 DMT ENTERPRISE, INC.
 D'ONOFRIO GENERAL CONTRACTORS CORP
 EAGLE LEASING & INDUSTRIAL SUPPLY

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- EAGLE ONE ROOFING CONTRACTORS INC.
- EAGLE SCAFFOLDING CO
- EJ DAVIES, INC.
- EN-TECH CORP
- ET ENVIRONMENTAL
- EVERGREEN RECYCLING OF CORONA
- EWELL W. FINLEY, P.C.
- EXECUTIVE MEDICAL SERVICES, P.C.
- F&G MECHANICAL, INC.
- FLEET TRUCKING, INC.
- FRANCIS A. LEE COMPANY, A CORPORATION
- FTI TRUCKING
- GILSANZ MURRAY STEFICEK, LLP
- GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC
- HALLEN WELDING SERVICE, INC.
- H.P. ENVIRONMENTAL
- KOCH SKANSKA INC.
- LAQUILA CONSTRUCTION INC
- LASTRADA GENERAL CONTRACTING CORP
- LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.
- LIBERTY MUTUAL GROUP
- LOCKWOOD KESSLER & BARTLETT, INC.
- LUCIUS PITKIN, INC
- LZA TECH-DIV OF THORTON TOMASETTI
- MANAFORT BROTHERS, INC.
- MAZZOCCHI WRECKING, INC.
- MERIDIAN CONSTRUCTION CORP.
- MORETRENCH AMERICAN CORP.
- MRA ENGINEERING P.C.
- MUESER RUTLEDGE CONSULTING ENGINEERS
- NACIREMA INDUSTRIES INCORPORATED
- NEW YORK CRANE & EQUIPMENT CORP.
- NICHOLSON CONSTRUCTION COMPANY
- OLYMPIC PLUMBING & HEATING
- PETER SCALAMANDRE & SONS, INC.
- PINNACLE ENVIRONMENTAL CORP
- PLAZA CONSTRUCTION CORP.

- PLAZA CONSTRUCTION MANAGEMENT CORP.
- PRO SAFETY SERVICES, LLC
- PT & L CONTRACTING CORP
- REGIONAL SCAFFOLD & HOISTING CO, INC.
- ROBER SILMAN ASSOCIATES
- ROBERT L GEROSA, INC
- RODAR ENTERPRISES, INC.
- ROYAL GM INC.
- SAB TRUCKING INC.
- SAFEWAY ENVIRONMENTAL CORP
- SEASONS INDUSTRIAL CONTRACTING
- SEMCOR EQUIPMENT & MANUFACTURING CORP.
- SILVERITE CONTRACTORS
- SILVERSTEIN PROPERTIES
- SILVERSTEIN PROPERTIES, INC.
- SILVERSTEIN WTC FACILITY MANAGER, LLC
- SILVERSTEIN WTC, LLC
- SILVERSTEIN WTC MANAGEMENT CO., LLC
- SILVERSTEIN WTC PROPERTIES, LLC
- SILVERSTEIN DEVELOPMENT CORP.
- SILVERSTEIN WTC PROPERTIES LLC
- SIMPSON GUMPERTZ & HEGER INC
- SKIDMORE OWINGS & MERRILL LLP
- SURVIAIR
- TISHMAN INTERIORS CORPORATION,
- TISHMAN SPEYER PROPERTIES,
- TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN
- TISHMAN CONSTRUCTION CORPORATION OF NEW YORK
- THORNTON-TOMASETTI GROUP, INC.
- TORRETTA TRUCKING, INC
- TOTAL SAFETY CONSULTING, L.L.C
- TUCCI EQUIPMENT RENTAL CORP
- TULLY CONSTRUCTION CO., INC.
- TULLY ENVIRONMENTAL INC.
- TULLY INDUSTRIES, INC.
- TURNER CONSTRUCTION CO.

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TURNER CONSTRUCTION COMPANY
 TURNER CONSTRUCTION INTERNATIONAL,
 LLC
 TURNER/PLAZA, A JOINT VENTURE
 ULTIMATE DEMOLITIONS/CS HAULING
 VERIZON NEW YORK INC,
 VOLLMER ASSOCIATES LLP
 W HARRIS & SONS INC
 WEEKS MARINE, INC.
 WEIDLINGER ASSOCIATES, CONSULTING
 ENGINEERS, P.C.

ZIEGE
 OTHER: _____

WHITNEY CONTRACTING INC.
 WOLKOW-BRAKER ROOFING CORP
 WORLD TRADE CENTER PROPERTIES, LLC
 WSP CANTOR SEINUK
 YANNUZZI & SONS INC
 YONKERS CONTRACTING COMPANY, INC.
 YORK HUNTER CONSTRUCTION, LLC

Non-WTC Site Building Owner
 Name: _____
 Business/Service Address: _____
 Building/Worksite Address: _____
 Non-WTC Site Lessee
 Name: _____
 Business/Service Address: _____
 Building/Worksite Address: _____

Non-WTC Site Building Managing Agent
 Name: _____
 Business/Service Address: _____
 Building/Worksite Address: _____

II. JURISDICTION

8. The Court's jurisdiction over the subject matter of this action is:

Founded upon Federal Question Jurisdiction; specifically; Air Transport Safety & System Stabilization Act of 2001.

III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Air Quality; Effectiveness of Mask Provided; Effectiveness of Other Safety Equipment Provided

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<input checked="" type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input type="checkbox"/> Other(specify): _____
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input type="checkbox"/>	Other: _____

IV CAUSATION, INJURY AND DAMAGE

9. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

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<input type="checkbox"/>	Cancer Injury: Date of onset: Date physician first connected this injury to WTC work:	<input type="checkbox"/>	Cardiovascular Injury: Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input type="checkbox"/>	Respiratory Injury: Date of onset: Date physician first connected this injury to WTC work:	<input type="checkbox"/>	Fear of Cancer Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input checked="" type="checkbox"/>	Digestive Injury: severe heartburn, acid reflux, hiatal hernia, chronic nonspecific gastritis, recurrent gastroesophageal reflux type symptoms, and other injuries, the full extent of which is not yet known. Date of onset: in or around August 31, 2006, Injured Plaintiff suffered what he at first believed was an extremely painful case of heartburn. Injured Plaintiff was in such acute pain that he went to the emergency room of Mount Sinai Hospital of Queens. There, Injured Plaintiff underwent an emergency endoscopy. Doctors there diagnosed Injured Plaintiff with acid reflux and hiatal hernia. Injured Plaintiff was advised to follow up with his physician. A September 1, 2006 Mount Sinai School of Medicine, Surgical Pathology Report was prepared by Libo Qiu, M.D., who found that Injured Plaintiff was suffering from chronic nonspecific gastritis. On or around December 15, 2006, Injured Plaintiff consulted with North Shore Cardiopulmonary Associates, P.C. There, Brian Strizik, M.D., examined Injured Plaintiff and found that he was suffering from recurrent gastroesophageal reflux type symptoms. Dr. Strizik reported his findings in a December 27, 2006 letter in Injured Plaintiff's medical file. Date physician first connected this injury to WTC work: December 2006 and thereafter.	<input type="checkbox"/>	Other Injury: Date of onset: _____ Date physician first connected this injury to WTC work: _____

NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.

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10. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

<input checked="" type="checkbox"/> Pain and suffering	<input checked="" type="checkbox"/> Expenses for medical care, treatment, and rehabilitation
<input checked="" type="checkbox"/> Loss of the enjoyment of life	<input checked="" type="checkbox"/> Other:
<input checked="" type="checkbox"/> Loss of earnings and/or impairment of earning capacity	<input checked="" type="checkbox"/> Mental anguish
<input checked="" type="checkbox"/> Loss of retirement benefits/diminution of retirement benefits	<input checked="" type="checkbox"/> Disability
	<input type="checkbox"/> Medical monitoring
	<input type="checkbox"/> Other: _____

11. As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

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WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Plaintiffs demand that all issues of fact in this case be tried before a properly empanelled jury.

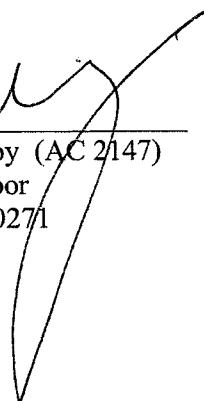
Dated: New York, New York
July 30, 2007

Yours, etc.

SULLIVAN PAPAIN BLOCK
MCGRATH & CANNAVO P.C.
Attorneys for Plaintiff

BY:

Andrew J. Carboy (AC 2147)
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Tel: (212) 732-9000



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